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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 25th January, 1993 / *Magha* 5, 1914 (*Saka*)

THE MADHYA PRADESH LOTTERY PRATIBANDH ORDINANCE, 1993

No. 17 OF 1993

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance to ban all lotteries in the State of Madhya Pradesh.

WHEREAS by a proclamation issued on the 15th day of December, 1992 by the President under article 356 of the Constitution, the powers of the Legislature of the State of Madhya Pradesh have been declared to be exercisable by or under the authority of Parliament;

AND WHEREAS the Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 to provide for the aforesaid matters was promulgated by the Governor on the 18th November, 1992;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Madhya Pradesh Lottery Pratibandh Ordinance, 1993.

(*2*) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(*a*) "agent" means and includes Main Stockist or, by whatever name called, who may be an individual or a group of persons or a company registered under the Companies Act, 1956 or a partnership firm entrusted with the responsibility of sale of State Lottery tickets on an agency basis on behalf of the State Government;

(*b*) "lottery" means a scheme for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets;

(*c*) "promoters", in relation to a lottery, includes an organiser or any person having control on the conduct of a lottery;

(*d*) "tickets" includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

Ban on lottery.

3. Notwithstanding any agreement or contract entered into by the State Government with any person, no person shall be permitted to deal with in the trade or business of lottery or be an agent or promoter in respect of any lottery, nor shall he sell, distribute or purchase any lottery ticket within the territory of Madhya Pradesh.

Penalty.

4. If any person acts as an agent or a promoter or a trader in lottery or sells, distributes or purchases the lottery tickets, he shall be punishable with regorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

Other offences in connection with lottery.

5. If any person with a view to the promotion or conduct of any lottery—

(*a*) prints or publishes any ticket, coupon or other document for use in the lottery; or

(*b*) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the lottery; or

(*c*) prints, publishes or distributes or has in his possession for the purpose of publication or distribution—

(*i*) any advertisement of the lottery; or

(*ii*) any list (whether complete or not) of prize winners in the lottery; or

(*iii*) any such matter descriptive of, or otherwise relating to the lottery as is calculated to act as an inducement to persons to participate in that lottery;

(*d*) brings, or invites any person to send, into the territories of Madhya Pradesh for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of lottery; or

(*e*) sends or attempts to send, out of Madhya Pradesh any money or valuable things received in respect of the sale or distribution of any ticket, coupon or other document for use in the lottery; or

(*f*) uses any premises, or causes or knowingly permits, any premises to be used for purposes connected with the promotion or conduct of the lottery; or

(*g*) causes or procures or attempts to procure any person to do any of the above mentioned acts,

he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

Offences by companies.

6. (*1*) If the person committing an offence under this Ordinance is a company, the company as well as every person who was in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the Commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this Section—

(*a*) "Company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "Director" in relation to a firm, means a partner in the firm.

Power of entry and search.

7. (*1*) It shall be lawful for any police officer not below the rank of a Sub-Inspector authorised by the State Government in this behalf by general or special order in writing—

(*a*) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary, any premises which he has reason to suspect are being used for purposes connected with the promotion or conduct of any lottery in contravention of the provisions of this Ordinance;

(*b*) to search the premises and the person whom he may find therein;

(*c*) to take into custody and produce before a Magistrate all such persons whom he has reason to believe to be guilty of an offence punishable under this Ordinance or against whom a reasonable complaint has been made, or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with or with the promotion or conduct of any lottery in contravention of the provisions of this Ordinance; and

(*d*) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such lottery.

(*2*) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973. 2 of 1974.

Offences cognizable and non-bailable.

8. The offence under this Ordinance shall be cognizable and non-bailable.

Repeal and saving.

9. (*1*) The Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 is hereby repealed. M.P. Ord. No. 8 of 1992.

(*2*) Notwithstanding such repeal, anything done or any action taken under the Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 shall be deemed to be valid and be deemed always to have been valid. M.P. Ord. No. 8 of 1992.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

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